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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/523,437	03/10/2000	Kazuhiro Fukuda	SONYJP 3.0-108	5273

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EXAMINER
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PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/523,437	Applicant(s) FUKUDA, KAZUHIRO	
	Examiner CESAR B. PAULA	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, and 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This action is responsive to the response filed on 9/12/2005.

**This action is made Final.**

2. In the response, claims 1-3, and 5-11 are pending in the case. Claims 1, 3, and 7-11 are independent claims.

#### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), and based on application # 11 076598 filed in Japan on 3/19/1999, which papers have been placed of record in the file.

#### ***Drawings***

4. The drawings filed on 3/10/2000 have been approved by the examiner.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-3, and 5-11 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al, hereinafter Cook (Pat.# 6,201,948 B1,3/13 2001, filed on 3/16/1998).

Regarding independent claim 1, Cook discloses authoring software for the authoring of a series of screens to be displayed —*allowing an editor to create scenes from content information-* - produced with programming or scripting languages --*predetermined specification--*, and which contain areas--*scenes--*, and subareas, which include textual, graphical, animated, video objects, (col.20 , lines 3-12, and col.22, lines 48-col.23, line 67, col.30, lines 21-67). The areas contain buttons, such as the "MYBOOK", "MATHHW" (area 306), "NEXTPAGE", "FIRSTPAGE" (area 304), etc., (fig.3, 321), for controlling what's displayed on the screen--*output format of the scene*.

Moreover, Cook teaches agent processing formats for the display of an agent persona in area 303--*defining a shared object*, for interacting with students (fig. 3-4, col.23, lines 12-18). The persona—*sharable object--* is shared among all areas 501, 502--*scenes--* of the screen in fig.4.

Moreover, Cook teaches arranging several icons in area 306—*define shared scenes--*, which is to be used in conjunction with—*common with--*, and is sharing the screen with other areas, such as the agent persona, which adapts or responds to a particular display situation or scene, such as the time to start of homework, in a bookshelf metaphor--*virtual scene usable by the plurality of scenes* (fig. 3-4, col.24, lines 4-14).

Moreover, Cook teaches a system component—*shared scene creation module*—sending animation scripts containing interpreting specification for the display of the various areas, which

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include the "MYBOOK", "MATHHW", etc., icons within area 306, in accordance to a definition in the specification (fig. 3-4, col.35, lines 51-53).

Moreover, Cook teaches using the authoring software for producing scripts or scripting language specifications, which comprise object display commands, the timing of the object displays, etc, for homework tab 312 for displaying homework content in an area 304. The homework area 304 is used in interacting with bookshelf 306, and persona agent 303-- *select individual and multiple shared scenes* (fig. 3-4, col.24, lines 4-14, 43-67, col. 30, lines 21-67). Cook fails to explicitly disclose *a shared-scene creation module operable enable the editor to select individual and multiple shared scenes to be used for creating each of the scenes*. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the *shared-scene creation module*, because Cook teaches the benefit of an interactive, and individualized system of instruction offering high quality of individualized student interaction in a manner that approximates a real tutor (col.2, lines 4-67).

Moreover, Cook teaches an animation facility—*application creation module--* for interpreting scripts which comprise object display commands, the timing of the object displays, an input specification of how any permitted user input is handled, etc—*control information based on said specific shared scenes set by the scene creation module--*(fig. 3-4, col.35, lines 35-67).

Furthermore, Cook teaches the formatting of all objects—*an output control module for converting said control information into shared object control information for forming the scenes created by said scene creation module*, including the agent persona formatted in Java, and outputting the formatted objects together into a display (fig. 3-4, col.23, lines 12-18).

Regarding claim 2, which depends on claim 1, Cook discloses the display of a number of screens in accordance with a certain format. The screens are displayed in a certain order--*an order of superposition of a plurality of shared scenes*-- through icons and menu items, such as the screen in fig.3, "MY BOOK", "MATHHW", etc., (306), HW (312), a next page, first page (321). The selection of the icons, and menu items lead the user, from the current screen, to respective screens which contain various educational information (col.22, lines 59-col.24, line 67). The icons, and menu items, which access and display--*superimpose*--the educational materials--*shared objects*--on the screen, controlling the order in which the user chooses to display the various educational materials. These icons include textual description, explaining the materials which are accessed, such as "HW" for homework, "MATHHW" for math homework, etc., and are located or based on the location of the areas--*order of superposition of the plurality of set specific shared scenes*.

Claim 3 is directed towards an apparatus for implementing the method of claim 1, and therefore is similarly rejected.

Claim 5-6 are directed towards a method for implementing the steps of claims 1-2 respectively, and therefore are similarly rejected.

Claim 7 is directed towards an apparatus for implementing the method of claim 1, and therefore is similarly rejected.

Claim 8 is directed towards an apparatus for implementing the method of claim 1, except for *the creation of broadcast content* information, which is taught by Cook's networked access of the animated sequences (col.18, lines 35-67), and therefore is similarly rejected.

Claims 9-10 are directed towards a method similar to the steps of claims 1, and 8, and therefore are similarly rejected.

Claim 11 is directed towards a memory device for storing instruction, and for implementing the method of claim 1, and therefore is similarly rejected.

### ***Response to Arguments***

7. Applicant's arguments filed 9/12/2005 have been fully considered but they are not persuasive. Applicants assert that Cook sharable objects fall short of teaching the share scenes recited in the claims (page 2, parag.2, page 4, parag.3-6). The Examiner disagrees, because Cook teaches that software developers, using programming languages, such as Java (which is programmed using a software editor), put together a multimedia educational system, using various screens, and multimedia objects (graphics, text, animation, video, etc.) for students and teachers to use. Various book icons, which are a part or subdivision of the multimedia presentation system--scenes, and are designed to be used in conjunction or *shared* with other parts of the multimedia system (fig. 3-4, col.20, lines 3-12, col. 22, lines 40-col.23, lines 7-67, col.24, lines 4-14, 43-67, col. 30, lines 21-67).

The Applicants further indicate that “the mere fact that an object Cook may be shared among two different screens is not a teaching that either of those screens are shared scenes as claimed by present invention, which shared scenes are used as editing tools to define ultimate user desired end scene without regard programming at the object level” (page 5, lines 13-18). While it is true that a number of disassociated screens might not be considered shared scenes, it is equally true that where the screens are units—scenes-- of an overall multimedia presentation system, as it is in this case, these screen, and objects take on a different role. Their role is that of forming part of the overall multimedia system or *scenes* to be *shared* among the various elements in the system.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “the present invention provides shared scenes, which include objects, that can selected without regard to specific programming necessary at the object level ensure that the desired objects are desired screens”page 5, parag.2, page 7, parag.2) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As far as could be ascertained, this limitation is not present in any the claims.

In addition, the Applicants state that “--an output control module for converting



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said control information into shared object control information for forming the scenes created by said scene creation module--. Again, this is not taught by Cook since in the presently claimed invention” page 8, parag.2. The Examiner disagrees, because Cook teaches that the multimedia system, and its elements is developed using programming languages, such as Java (col.23, lines 12-18, fig.3-4). Therefore, when the programming code for the screens and objects of the system are compiled and/or interpreted by a computer, the code is transformed into the actual screens, and its objects to form one interconnected multimedia system for interaction with students, teachers, etc.

Moreover, the Applicants assert that the Examiner failed to make a prima facie case of obviousness in regards to a module for the creation of final scenes by the selection of individual and multiple shared scenes (page 9). The Examiner disagrees, because Cook teaches creation and selection of multiple multimedia elements, such as homework area, the animated persona, etc., to be used by the users of the system (col.24, lines 4-14, 43-67, col.30, lines 21-67, fig.3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention, to have included the claimed software module to bring the various parts of the system together, since this would have provided the benefit of an interactive, and individualized system which comes as close as possible to a live tutor (motivation provided by Cook col.2, lines 4-67). The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:

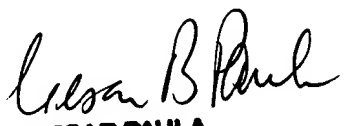
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Or faxed to:

- (571)-273-8300 (for all Formal communications intended for entry)

  
**CESAR PAULA**  
**PRIMARY EXAMINER**  
11/25/05